

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Accelerating Wireless Broadband)	WT Docket No. 17-79
Deployment by Removing Barriers to)	
Infrastructure Investment)	
Accelerating Wireline Broadband		WC Docket 17-84
Deployment by Removing Barriers to		
Infrastructure Investment		

To: The Commission

COMMENTS OF ONE MEDIA, LLC

ONE Media, LLC (“ONE Media”)¹ respectfully files these comments in response to the Commission’s Notice of Proposed Rulemaking and Notice of Inquiry (“Wireless NPRM/NOI”)² and the Notice of Proposed Rulemaking, Notice of Inquiry and Request for Comment (“Wireline NPRM/NOI”)³ in the above-captioned proceedings. ONE Media fully supports the Commission’s efforts to eliminate or reduce barriers to infrastructure investment that will facilitate the deployment of emerging technologies, including ATSC 3.0 (“Next Gen” television), the new technical standard for broadcast television.⁴ Companies making substantial financial

¹ ONE Media is a technology development company at the forefront of designing industry transmission standards encompassing its flexible and enhanced vision for broadcasting.

² *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry (“NPRM/NOI”), WT Docket No. 17-79, (rel. Apr. 21, 2017); .82 FR 21761 (May 10, 2017) (establishing the June 9, 2017 comment deadline). The comment deadline was subsequently extended to June 15, 2017. Order, WT Docket No. 17-79, DA 17-525 (rel. May 26, 2017).

³ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, Notice of Inquiry and request for Comment (“Wireline NPRM/NOI”), WT Docket No. 17-84, (rel. Apr. 21, 2017); .82 FR 22453 (May 16, 2017) (establishing the June 15, 2017 comment deadline).

⁴ ATSC is the Advanced Television Systems Committee. The new standard is the subject of a pending rulemaking. See *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Notice of Proposed Rulemaking (“ATSC 3.0 NPRM”), GN Docket No. 16-142, (rel. Feb. 24, 2017).

commitments to deploy next-generation networks require a degree of certainty that state and local zoning and permitting approvals will be nondiscriminatory, reasonable and timely and that there will be reasonable access, as needed, to conduits, rights-of-way and utility poles.

1. Next Gen Television

When implemented, Next Gen television dramatically expands the capabilities of broadcast service and enables substantial new opportunities for service offerings to the public. It will allow consumers to enjoy higher quality ultra-high definition/high dynamic range (“UHD/HDR”) video and immersive sound and enable broadcasters to offer innovative new broadcast and ancillary Internet Protocol (“IP”) services.⁵ Benefits of Next Gen television include improved over-the-air reception, IP-based transport streams, enhanced mobile capability, more localized content, and better accessibility options.⁶ The ATSC 3.0 standard will also enable advanced emergency alerting, including geo-targeting of alerts and the capability to power on receivers to alert consumers of emergencies and disasters.⁷

The deployment of Next Gen television includes certain technical changes to the physical layer of the broadcast delivery network that will enable simultaneous mobile, handheld and indoor reception in a single RF channel.⁸ This will be accomplished in part through the deployment of single frequency networks (“SFNs”) by one or more broadcasters. It is anticipated that multiple smaller and lower power SFN transmitters will be placed on lower towers within the broadcaster’s licensed service area.⁹ A broadcast SFN, for all intents and purposes, is a cellular architecture. Broadcasters deploying SFNs to deliver advanced

⁵ Id. at 3.

⁶ Id. at 4.

⁷ Id.

⁸ Id. at 6.

⁹ See Comments of ONE Media, LLC, GN Docket No. 16-142 (filed May 9, 2017) at 34-35 (“Support for SFNs, which permit stations to provide more uniform and reliable coverage, is one of the most compelling attributes of the Next Gen standard.”)

communications services are likely to encounter the same challenges to network deployment faced by wired and wireless broadband network operators.

2. The NPRM/NOIs

The Wireless NPRM/NOI and Wireline NPRM/NOI both seek comment on how the Commission can remove or reduce regulatory impediments to network infrastructure investment and deployment. The Wireless NPRM/NOI focuses on Section 332(c)(7) of the Communications Act, which strikes a balance between the legitimate needs of state and local government to regulate the construction and installation of “personal wireless service facilities,” and the needs of providers who require timely and reasonable review by those state and local governments.¹⁰ The Wireline NPRM/NOI focuses on Section 224 of the Communications Act which provides the framework for Commission authority to regulate attachments by cable television systems and telecommunications carriers to utility-owned and controlled poles, ducts and rights-of-way (collectively poles).¹¹

3. The Impact on Next Gen Television

The definitional limitations of Sections 332 and 224 could themselves provide impediments to companies deploying networks to support emerging technologies such Next Gen television. In particular, the Commission proposes to classify stations transmitting an ATSC 1.0 or 3.0 signals as broadcasting, which would ostensibly preclude providers that want to construct

¹⁰ Wireless NPRM/NOI at 3. The term “personal wireless services facilities” means facilities for the provision of personal wireless services; “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services; the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services. Section 332(c)(7)(C). A “commercial mobile service” must be interconnected. Although the ATSC 3.0 set of standards is designed to support a one-way, “one-to-many” broadcast service, it can be made part of and interconnected with IP-based interconnected two-way services as a complete service offering to end-users. See Section 332(d)(1).

¹¹ Wireline NPRM/NOI at 2.

their own SFNs from taking advantage of the benefits of either Sections 332 or 224. Ostensibly, the same problem may exist for companies that are developing wireline or wireless broadband internet access networks (but do not provide any other services), if the Commission reclassifies broadband internet access as an information service.¹² As part of this proceeding, the Commission should consider how new information technologies not defined as cable television, commercial mobile services or telecommunications can be assured of reasonable and timely access to poles. At the same time, state and local governments should not be permitted to use definitional semantics to inhibit or slow the approval of zoning or other permits necessary for the development of NextGen TV networks, including those required for access to, or the construction of, new towers and facilities.¹³

Next Gen TV will be an essential piece of the converged telecom infrastructure, dramatically improving 5G services to end users and part of the combined information transport infrastructure. This platform must be included in the Commission's broad strategic vision today in order to maximize service to the public for the next decade; not constrained by definitions developed more than two decades ago.

¹² *Restoring Internet Freedom*, Notice of Proposed Rulemaking, WC Docket No. 17-108 (rel. May 23, 2017) at 8.

¹³ "Congress enacted the Telecommunications Act of 1996 as a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans" Wireless NPRM/NOI at 3 (citing Telecommunications Act of 1996, S. Rep. 104-230, at 1 (Feb. 1, 1996) (Conf. Report)). The reference to advanced information technologies and services suggests Congress foresaw that not all services would be classified as telecommunications but should have the same protections afforded to telecommunications services by the new Act.

CONCLUSION

ONE Media supports the Commission's efforts to reduce barriers to the deployment of infrastructure for new technology and requests that the Commission act in accordance with the recommendations herein.

Respectfully submitted,

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